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Attorney for Plaintiff, Alma Aguilar

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ALMA AGUILAR,

Plaintiff,

vs.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Case No. 1:23-cv-00485-GSA

STIPULATION FOR VOLUNTARY DISMISSAL
WITHOUT PREJUDICE

(Doc. 15)

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii), Plaintiff Alma Aguilar voluntarily dismisses the above-captioned action in its entirety, without prejudice:

1. On August 12, 2022, Plaintiff timely filed a complaint against the Commissioner of Social Security in the Eastern District of California, seeking judicial review of an administration decision denying her claim for disability benefits under the Social Security Act. The case number associated with that matter is 1:22-cv-01014-BAM.
2. On March 31, 2023, in case no. 1:22-cv-01014-BAM, the parties agreed to a voluntary remand of the case pursuant to sentence four of 42 U.S.C. Section 405(g).
3. On April 3, 2023, in case no. 1:22-cv-01014-BAM, United States Magistrate Judge Barbara A. McAuliffe entered a final judgement in favor of Plaintiff and remanded to the Commissioner of

1 Social Security for further proceedings consistent with the terms of the stipulation to remand. The
2 Order signed by Judge Barbara A. McAuliffe is enclosed.

- 3
4 4. On August 12, 2022, the same date that Plaintiff timely filed her complaint in the Eastern District of
5 California, Plaintiff inadvertently filed a complaint in the Central District of California, seeking review
6 of the administration decision denying her claim for disability benefits under the Social Security Act.
7
8 5. On March 29, 2023, the Clerk of the Central District of California transferred the above-titled action
9 to the United States District Court for the Eastern District of California.
10
11 6. In the above-titled action, no defendant has filed an answer or a motion for summary judgement
12 and voluntary dismissal without prejudice is permissible pursuant to Rule 41(a)(1)(A)(i) of the
13 Federal Rules of Civil Procedure.
14
15 7. Because the matter was already settled in *Alma Aguilar v. Kilolo Kijakazi* case no. 1:22-cv-01014-
16 BAM, the parties stipulate to the dismissal of the above-titled action.

17 Respectfully submitted,

18 DATE: April 24, 2023

/s/ Terry LaPorte

TERRY LaPORTE ESQ.
Attorney for Plaintiff

21 DATE: April 24, 2023

/s/ Marcello Illarmo

Special Assistant United States Attorney

Attorney for Defendant

ORDER

Based upon the parties' Stipulation to Voluntary Dismissal Pursuant to Fed. R. Civ. Pro. 41, it is ORDERED that the above-captioned action is dismissed without prejudice and the Clerk of Court is directed to administratively close this case.

IT IS SO ORDERED.

Dated: **April 27, 2023**

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE